

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following discussion. It is believed helpful to a consideration of the claims to review certain important features of applicant's invention.

The Examiner has rejected claims 1 through 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 1 has been amended to more clearly reflect applicants' invention.

Claims 1 through 6 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by Dombrowski et al. Dombrowski teaches a reconfigurable infant support cushion including a main body and two reconfigurable restraints or supports. Dombrowski is specifically designed to include two reconfigurable restraints and applicants' invention clearly teaches away from Dombrowski. Dombrowski discusses in detail the difference between a single support and the importance of multiple support members capable of supporting a child while the child is in either a lying or a seated position. Applicants' invention has only one support member, designed only to restrain the head and neck of an infant.

Claim 1 has also been amended to include further

clarification of applicants' invention. The head support member of applicants' invention includes a pair of downwardly projecting sides and inwardly angled or more precisely convergent terminal ends to support and retain the infant's head in a set position. Applicants' Specification discusses the importance of the convergent terminal ends of the head support. (Page 8, lines 6 through 18 and Pages 9 through 10, lines 19 through 24 and lines 1 through 2.) Dombrowski clearly does not teach the support of an infant's head and neck and retaining it in a desired position. Further, Dombrowski does not address the problem that applicants' invention solves, the support of an infant's head, chin and neck, especially smaller infants, preventing the head from slipping forward, away from the support. It is now submitted that in light of the amendment to claim 1, claims 1-6 are now in condition for allowance.

Claims 16 through 21 and claims 7 to 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gold or Ive or Dunne et al in view of Dombrowski et al. Gold, Dunne, Ive in view of Dombrowski do not teach inwardly convergent terminal ends providing a self-supporting head support. There is no suggestion or motivation in Gold, Ive or Dunne to look to Dombrowski for the deformable support. Claim 16 has been amended to reflect this aspect of applicants' invention, and claim 1 from which claims 2-15 depend has also been amended. Claims 8, 18 and 19 have been canceled.

It is therefore urged that the claims as now presented

for consideration are in allowable condition and action to that end is courteously solicited. If any issues remain to be resolved, it is requested that the Examiner contact attorney for applicant at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 8th day of March, 2005.


